

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

REHAB ELDEEB, as trustee for the next
of kin of FAHMY ELDEEB, deceased,

Plaintiff,

v.

DELTA AIR LINES, INC., a corporation,
and SOCIÉTÉ AIR FRANCE, S.A. d/b/a
AIR FRANCE, a corporation,

Defendants.

Civil Action No.: 18-cv-01128-DSD-TNL

MOTION TO DISMISS

Pursuant to Fed. R. Civ. Proc. 12(b)(6), 12(b)(7), and 19, Defendants Delta Air Lines, Inc. and Société Air France, S.A. d/b/a Air France move to dismiss Plaintiff's Amended Complaint in this matter on the following grounds:

1. *Forum Non Conveniens* because France is a more convenient forum;
2. Pursuant to Federal Rule of Civil Procedure 12(b)(7) for failure to name a necessary and indispensable party under Federal Rule of Civil Procedure 19;
and
3. Pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim for relief under the Montreal Convention.

Dated: September 10, 2018.

**GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.**

By: /s/ Julia Dayton Klein

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**ATTORNEYS FOR DEFENDANTS
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SOCIETE AIR FRANCE**